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U.S. District Court
Eastern District of MO

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
DIVISION**

Plaintiff(s),

Eugene A. Scurlock

v.

*Missouri Housing Development
Commission*

Case No. _____

(to be assigned by Clerk of District Court)

JURY TRIAL DEMANDED

YES ☒ NO ☐

Defendant(s). (Enter above the full name(s)
of all defendants in this lawsuit. Please
attach additional sheets if necessary.)

EMPLOYMENT DISCRIMINATION COMPLAINT

1. This employment discrimination lawsuit is based on (check only those that apply):



Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e, *et seq.*, for employment discrimination on the basis of race, color, religion, gender, or national origin.
NOTE: *In order to bring suit in federal district court under Title VII, you must first obtain a right-to-sue letter from the Equal Employment Opportunity Commission.*

Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. §§ 621, *et seq.*, for employment discrimination on the basis of age (age 40 or older).
NOTE: *In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file charges with the Equal Employment Opportunity Commission.*

Americans with Disabilities Act of 1990, as amended, 42 U.S.C. §§ 12101, *et seq.*, for employment discrimination on the basis of disability.
NOTE: *In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a right-to-sue letter from the Equal Employment Opportunity Commission.*

Rehabilitation Act of 1973, as amended, 29 U.S.C. §§ 701, *et seq.*, for employment discrimination on the basis of a disability by an employer which constitutes a program or activity receiving federal financial assistance.

NOTE: *In order to bring suit in federal district court under the Rehabilitation Act of 1973, you must first file charges with the appropriate Equal Employment Office representative or agency.*

☒ Other (Describe)

*Constructive Discharge
Harassment
Failure To Promote*

PARTIES

2. Plaintiff's name: Eugene Anthony Scurlock

Plaintiff's address: 11561 Rock Hampton Drive
Street address or P.O. Box

St. Louis, MO 63138
City/County/State/Zip Code

(314) 536-7632
Area code and telephone number

3. Defendant's name: Missouri Housing Development Commission

Defendant's address: 505 N. 7th Street, Suite 2000
Street address or P.O. Box

St. Louis, MO 63101
City/County/State/Zip Code

Area code and telephone number

NOTE: IF THERE ARE ADDITIONAL PLAINTIFFS OR DEFENDANTS, PLEASE PROVIDE THEIR NAMES, ADDRESSES AND TELEPHONE NUMBERS ON A SEPARATE SHEET OF PAPER.

*Missouri Housing Development Commission
920 Main, Suite 1400
Kansas City, MO 64105*

4. If you are claiming that the discriminatory conduct occurred at a different location, please provide the following information:

(Street Address) (City/County) (State) (Zip Code)

5. When did the discrimination occur? Please give the date or time period:

12/23/2010 - 8/23/2019

ADMINISTRATIVE PROCEDURES

6. Did you file a charge of discrimination against the defendant(s) with the Missouri Commission on Human Rights?

☒ Yes

Date filed: Around 9/6/2019

☐ No

7. Did you file a charge of discrimination against the defendant(s) with the Equal Employment Opportunity Commission or other federal agency?

☒ Yes

Date filed: 06-04-2020

☐ No

8. Have you received a Notice of Right-to-Sue Letter?

☒ Yes

☐ No

If yes, please attach a copy of the letter to this complaint.

9. If you are claiming age discrimination, check one of the following:

 60 days or more have passed since I filed my charge of age discrimination with the Equal Employment Opportunity Commission.

 fewer than 60 days have passed since I filed my charge of age discrimination with the Equal Employment Opportunity Commission.

NATURE OF THE CASE

10. The conduct complained of in this lawsuit involves (check only those that apply):

☐ failure to hire me

☒ termination of my employment

☒ failure to promote me

☐ failure to accommodate my disability

☒ terms and conditions of my employment differ from those of similar employees

☒ retaliation

☒ harassment

☐ other conduct (specify):

Did you complain about this same conduct in your charge of discrimination?

☒ Yes

☐ No

11. I believe that I was discriminated against because of my (check all that apply):

☒ race

☐ religion

☐ national origin

☐ color

☐ gender

☐ disability

☐ age (birth year is: _____)

☐ other:

Did you state the same reason(s) in your charge of discrimination?

☒ Yes

☐ No

12. State here, as briefly and clearly as possible, the essential facts of your claim. Describe specifically the conduct that you believe is discriminatory and describe how each defendant is involved in the conduct. Take time to organize your statement; you may use numbered paragraphs if you find it helpful. It is not necessary to make legal arguments, or to cite cases or statutes.

Please See Attached Explanations

(Continue to page 6, if additional space is needed.)

*Please See Attached
Explanations*

(Attach additional sheets as necessary).

13. The acts set forth in paragraph 12 of this complaint:

- ☐ are still being committed by the defendant.
- ☐ are no longer being committed by the defendant.
- ☒ may still be being committed by the defendant.

REQUEST FOR RELIEF

State briefly and exactly what you want the Court to do for you. Make no legal arguments;

cite no cases or statutes.

I want the court to help me by awarding me ^{monetary} damages for loss wages, emotional and mental stress, and all other adverse actions within law that this agency have imposed upon me.

14. Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 10 day of November, 2020.

Signature of Plaintiff Eugene A. Amlock

I am an African American individual who was employed by the Missouri Housing Development Commission from December 23, 2010, until I was constructively discharged effective on August 23, 2019. My last position was Accountant II. My last supervisor was Scott Hanak, Acting Asset Management Director and Asset Manager at the time.

Throughout my employment and continuing until August 9, Mr. Hanak and other individuals, subjected me to various adverse action on the basis of my race. The adverse actions consisted of but were not limited to harassment, denial of several promotions, bullying, and retaliation for complaining of among other things, race discrimination. On August 9-23, 2019, I was constructively discharged due to the hostile work environment.

Based on the above and below stated reasons, I believe I was discriminated against on the basis of my race and retaliated against for engaging in protected activity in violation of Title VII of the Civil Rights Act of 1964, as amended.

Indeed, below are some of but not all of the various and adverse actions that were taken against me based on the statements made above:

1. On Friday, August 9, 2019 at around 2:00 pm by accessing my work email through other communications I sent an email to Kip Stezler, Executive Director and Greg Canuteson, Deputy Executive Director letting them know that I was just harassed by Scott Hanak, the Acting Director of Asset Management explaining to them that he made me leave work based on disputes we had earlier about some processes of AFS reviews and Operating Reserves he said he was going to process while I was on vacation and items he was going to handle because he wanted me to start training with a fellow co-worker and himself on what we call Surplus Cash and Distribution Request Reviews and when that he got back from his vacation he didn't want me working on any other reviews but those because the person who was handling those transactions was no longer there and he was assigning me extra duties mind you without pay.

Furthermore, in that email I stated that he just came to my desk and said he sending me home to think about my actions from earlier. I said what actions and do HR and the higher ups are aware of this. His reply was that I need to leave and leave now. I said well let me get my belongings and contact HR and the Directors and do they know about this because company policy says if there is a dispute between a supervisor and other employees HR will let the employee know what action they are taking. I said ok fine let me get possessions and contact HR to inform them and he said no again and went got another White Supervisor and they both forcefully told me I had to leave now. As I was leaving, I told them that they were violating my rights as an employee to denying me to communicate with HR.

Also, at that time, in that email, to both directors, I explained to them that I took the training from him and the fellow co-worker and that Tina Beer, the Director of Operations and over HR sent me email on Monday, July 8, 2019 stating that I had accrued the maximum annual leave of 240 hours and that I was projected to exceed the maximum by 117 hours on November 1, 2019

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and that those hours will be lost if I don't use them between now and then and my balance will be reduced to 240 hours.

2. Around 4:00 pm on August 9, 2019, I sent an email to Tina Beer, the Acting Human Resource Director, stating that affective that day is my two week notice and I'm resigning from MHDC because hostile work environment and harassment by Scott Hanak .
3. On Sunday August 11, 2019 I requested medical leave up until August 23, 2019 because I of the hostile and environment and I was highly stressed
4. On Monday, August 12, 2019, I sent another email from my work email address to both Executive Directors and the Director of Finance complaining about why I was resigning from MHDC because of continuous harassment and discrimination by Scott Hanak and questionable items that he had me reviewing that was against MHDC policies, federal, and state laws about reviews that haven't taken place now and in the past that he made me close out and several other unethical actions he placed on me. Also, I identify in that email and the other about why he appear to be doing favors for properties management who had ties to MHDC in the past by wanting me to process their Operating Reserves that he know I have already denied because they didn't have the proper documents for payment distributions to come from the Operating Reserve at that time because they were for Owner's Distribution.
5. Indeed, I didn't receive any responses back from the Directors at that day on Tuesday, August 13, 2019 they cut my access to my work email.
6. On Wednesday, August 14, 2019, I received a mailed letter at my home address dated August 12, 2019 from Tina Beer, Director of Operations stating they confirm that they received my resignation effective August 23, 2019. They also received my request for Medical Leave from August 12, 2019 through August 23, 2019 and that my request has been approved. Your last day of regularly scheduled work in the office was last Friday, August 9, 2019. If you have any personal belongings at the office, we will ship them to your home. The letter continues talk about my benefits rights and my final paycheck.

The letter didn't mention any of the allegations or claims of dispute of harassments, discrimination or any other communications to MHDC Human Resources and their Directors that I had addressed. Indeed , there wasn't any response back to me that day from the Directors and HR about those emails that were sent to them. By me accessing my work email from other communications and Scott Hanak made me leave without properly communicating with HR and his supervisors and the Directoros didn't respond back to those emails and I saw that this harassment and discriminatory

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actions by him and others have been continuous and ongoing throughout my employment history with MHDC and I was stressed, exhausted, and humiliated at the time from this repetitive and continuous negative environment for me and I knew they have constructively discharged me based on these complaints.

PROMOTIONS

1. On February 13, 2018 applied for Accounting Operations Manager. I met all the qualifications for the Merit Class and experience they required. They filled the position with a White accountant from outside the organization. They never provided me with any explanation of why they didn't fill the position with me when I was a CPA and one of the most qualified person in the organization
2. On December 14, 2017 applied for Accountant Specialist position. This is a position from my department at the time they told me to apply for because the person who left the position in October 2017 and was a CPA in which they gave me a lot of her duties. They didn't fill the position or anyone yet I still continue to carry out a lot of duties all the way up until my discharge as of August 9, 2019. When I asked by Scott Hanak and the Director of Asset Management at the time they didn't have a valid explanation on why I had to continue carrying out the duties of that position while they wouldn't give me the title or equal pay for the work. Also, the come to find out was Scott Hanak wanted to fill the position with another White candidate from a different department who was going around bragging the Scott was going to give the position to him without applying for it who was discipline for his discriminator and racist remarks in the past about fellow co-workers who complain about this^{and} that is when management decide to make everyone who was interested in position apply for it when they post it.

Indeed, I was the most qualify person for the position since I was already doing the work and a CPA who was familiar with the duties.

3. Indeed, there was other positions that I applied for throughout the organization that I was well qualified for and they didn't ~~them with me~~ ^{me} fill with because of race discrimination.

Throughout, my work history at MHDC they have a track record of not promoting African-Americans or people of color to position definitely in the St.Louis office compared to the Kansas City office in creating position always telling the African-Americans in the office complaining about those positions and job creations saying that they are on State Budget Restraints. Most of those positions went to white co-workers at the time.

Indeed, there was other harassment and discriminatory incidents that I have in other documents by fellow employees committed against me that HR and Management didn't take action on my behalf. I couldn't fill out everything because of the brief of this letter.

Thanks for your time and consideration of this letter and other documents being submitted to the court.